

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
APRIL 16, 2002**

Call to Order

The 1884th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King
Larry Lancaster

Jeff Marshall
Brian Newman

Staff present:

Mike Swanson,
City Manager

John Gessner,
Interim Planning Director

Tim Ramis,
City Attorney

JoAnn Herrigel,
Program Specialist

Steve Smith,
Finance Director

Brion Barnett,
Associate Engineer

Alice Rouyer,
Community Development/
Public Works Director

Dennis Lively,
Engineering Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard read a proclamation recognizing April 25, 2002, as *National Take Your Child to Work Day* in the City of Milwaukie.

Mayor Bernard announced Trudy Charles of Milwaukie was selected as Ms. Senior Oregon.

CONSENT AGENDA

It was moved by Mayor Bernard and seconded by Councilor Newman to consider **Other Business items A -- 2002 - 2003 Parks and Recreation Priorities, and D -- Authorize City Manager to Sign Contract for Management Information System Software with Incode in the Consent Agenda. Motion passed unanimously.**

It was moved by Mayor Bernard and seconded by Councilor King to approve the Consent Agenda that included:

1. **City Council minutes of April 1 & 2, 2002;**
2. **2002 - 2003 Parks and Recreation Priorities; and**
3. **Sign Contract for Management Information System Software with Incode.**

Motion passed unanimously.

AUDIENCE PARTICIPATION

David Siri, previous owner of Discount Packaging on Main Street, expressed concern with the City's business tax ordinance. He paid the 2002 registration fee and sold his business in March. He had to forfeit the registration fee he paid, and the new owner had to pay the full annual amount. He suggested the Council adopt a transfer fee as an alternative and requested the City refund either him or the new owner.

Swanson said the current ordinance does not allow such a transfer, and the new owner is responsible for payment. The City Council may consider a code amendment, but it would not apply in this situation.

Ramis added this is a 25-year old code provision, and the City Council at the time made this policy decision.

City Council directed staff to consider this issue and review the code for a possible amendment.

Councilor Marshall and **Councilor Lancaster** both suggested a transfer fee rather than pro-rating registration fees.

Bob Gilbert, current owner of Discount Packaging, 10851 SE Main Street, thought a transfer fee would be appropriate, and allow the buyer and seller to negotiate the expenses.

PUBLIC HEARING

Title 3 Erosion Control and Flood Management Regulations -- Ordinance

Mayor Bernard called the public hearing on the proposed municipal code amendment to order at 6:15 p.m.

The purpose of the hearing was to consider an ordinance amending municipal code chapters 16.28 and 18.04 and amending ordinances 1718 and 1461 by adopting certain flood management and erosion control regulations. **Mayor Bernard** reviewed the conduct of the hearing.

Staff Report: **Gessner** presented the staff report in which the City Council was requested to adopt an ordinance adding a new section to the municipal code relating to flood management and erosion control. The purpose is to strengthen existing erosion control regulations and establish a new limitation on placing fill in floodplains. The proposed revisions include a provision recommended by the city attorney to reduce potential Measure 7 claims.

Gessner noted a letter from **Howard Dietrich** regarding the restrictive nature of the variance criteria. He requested the City Council take action on the proposed regulations and refer Dietrich's request back to the Planning Commission.

Councilor Marshall understood the state is reconsidering Title 3 and asked if the proposed ordinance should be tabled.

Ramis said he is aware of a proposal to deal with the urban growth boundary and subregional area needs related to buildable land which may have limited Title 3 impacts.

Councilor Newman asked for clarification of Dietrich's comments.

Gessner said the specific wording in the variance criteria of the current code needs clarification. Dietrich's request has to do with a parallel action on a separate, though related, ordinance.

Ramis commented, to the extent the City wants the rules to be absolutely clear, it is wise to ask the Planning Commission to review.

Correspondence: Dietrich's only.

Audience Testimony: **Howard Dietrich**, Mill End Store, 9701 SE McLoughlin Boulevard, Milwaukie. He is in favor of the Title 3 amendments and supports the City's action. His concern is to assure that businesses such as his, which is entirely in the Willamette River floodplain, can continue in the same location for a number of years and be allowed to reasonably expand and rebuild if there is a catastrophic event. It makes sense to have a variance procedure that allows this type of activity.

Councilmembers expressed appreciation for Dietrich's thoughtful input on the proposed regulations.

Additional Staff Comments: None.

Questions of Clarification: None.

Mayor Bernard closed the public testimony portion of the hearing at 6:35 p.m.

It was moved by Councilor King and seconded by Councilor Newman to read the ordinance amending Municipal Code Chapters 16.28 and 18.04 for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor Newman and seconded by Councilor Lancaster to read the ordinance amending Municipal Code Chapters 16.28 and 18.04 for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilor Lancaster and seconded by Councilor Newman to adopt the ordinance amending Municipal Code Chapters 16.28 and 18.04. Motion passed unanimously.

ORDINANCE NO. 1899:

AN ORDINANCE AMENDING CHAPTERS 16.28 AND 18.04 OF THE MILWAUKIE MUNICIPAL CODE AND AMENDING ORDINANCES 1718 AND 1461 BY ADOPTING CERTAIN FLOOD MANAGEMENT AND EROSION CONTROL REGULATIONS.

OTHER BUSINESS

Local Agency Agreement (LAA) with Oregon Department of Transportation (ODOT) for the McLoughlin Boulevard Improvements Project

Barnett provided the staff report in which the City Council was requested to authorize the Mayor to sign the Local Agency Agreement (LAA) with the Oregon Department of Transportation (ODOT) for the McLoughlin Boulevard Improvements Project. The agreement outlines the terms and conditions to obtain funding for the first step of the project.

Councilor Newman commented he is pleased with the project and appreciates Barnett's success in getting additional funding. He asked if there would be enough money to do the entire 4 block area.

Barnett is confident there will be.

Councilor King is concerned about access to and from the waterfront.

Barnett said there are many stakeholders in the access issue, and all will have an opportunity to give input in the design process.

It was moved by Councilor Newman and seconded by Councilor Lancaster to authorize the Mayor to sign the Local Agency Agreement (LAA) with the Oregon Department of Transportation (ODOT) for the McLoughlin Boulevard Improvements Project. Motion passed unanimously.

Downtown Parking and Traffic Management Plan

Barnett provided the staff report in which the City Council was requested to authorize staff to proceed with the request for proposal (RFP) process to select a consultant to the Downtown Parking and Traffic Management Plan. He identified the study area boundaries.

Rouyer added the Planning Commission recommended this action when the Downtown Plan was adopted in September 2000 to address the issues of increased numbers of vehicles, cut through traffic in the neighborhoods, and parking.

Mayor Bernard asked if the plan would address mitigation at the Harrison Street and Hwy 224 intersection.

Barnett said ODOT is a stakeholder, and that intersection will be included. DKS Associates did a study of existing conditions in the downtown area, so the new study will be an enhancement and help define mitigation strategies.

Mayor Bernard asked if, after the study is completed next year, a downtown property owner would have to do a traffic study if he decides to demolish his block.

Rouyer said the plan is intended to be a guidebook that provide possible measures to deal with individual development parcels as well as downtown buildout and regional growth. The goal is to have an adaptable plan in place before new development happens.

Councilor Newman asked for a clear statement on whether the study is premature based on the Milwaukie Jr. High and North Main Street development projects.

Barnett said the plan will addresses full buildout and take into account projects currently on the table such as South Corridor and the Waldorf School as well as increased pass through traffic resulting from development around the City. Regional growth has a much greater impact than development within Milwaukie.

Mayor Bernard noted the city manager asked each department to implement a 10% budget cut this fiscal year and asked if that goal could be achieved if the study is done.

Rouyer responded it could.

Roger Cornell, 2708 SE Monroe Street, Milwaukie. When City Council adopted the Downtown Development Plan, many residents expressed concern with neighborhood traffic impacts. The recent Tri-Met proposal for a park-and-ride on Harrison Street at 28th Avenue prompted him to do an independent 90-minute traffic study on Monroe Street. Between the hours of 4:00 p.m. and 5:30 p.m. on April 2, 479 cars used Monroe Street between 25th and 28th Avenues. He estimated 90% of these were cut through traffic finding the neighborhood streets more convenient than Hwy 224 and 99E. In 2000, DKS Associates recommended an overall comprehensive plan and offered some mitigation options. The problems are well beyond the scope of any neighborhood traffic management plan objective, and he urged the City to work with ODOT on finding solutions. He also noted employees working in downtown Milwaukie park in the residential areas. Cornell volunteered his services for a traffic study.

Ed Zumwalt, 10888 SE 29th Avenue, Milwaukie. He read excerpts from several City Council and Planning Commission meeting minutes regarding the adopted Downtown Plan and the need for a traffic management plan to address the impacts of buildout on the Milwaukie neighborhoods. The Planning Commission understood and supported neighborhood concerns and forwarded its support for a traffic management plan along with its recommendation to City Council to adopt the Downtown Plan. Zumwalt is concerned the plan will not be done if it is postponed. The traffic management plan is the foundation of future development. People want solutions this time, not just another study.

Bob Gilbert, Discount Packaging, 10857 SE Main Street, Milwaukie. He asked how this study would impact downtown merchants. He discussed his issues with parking time limits, permits, and his need for a loading zone.

Mayor Bernard is concerned about any recommendations to build a parking structure since many people are not willing to park 2 blocks from their destinations. He understands the neighborhood concerns about cut through traffic.

Art Ball, 4960 SE Harvey, Milwaukie. He is not opposed to the traffic survey but feels it may be premature because there are many things that could be happening in the downtown area. He is unsure if a consulting firm has the vision to make a valid recommendation for the next 5 years in downtown Milwaukie. This is a \$40,000 - \$50,000 expenditure in a year when there is a significant budget shortfall. He believes the traffic plan should be tabled until some of the development projects are completed.

Teresa Bresaw, 12744 SE Weedman Court, Milwaukie. She is generally opposed to spending money on consultants and suggests using the funds to implement DKS recommendations. Too many plans are never implemented.

Councilor Marshall asked if the 2-year old DKS recent study would provide solutions to the current traffic and parking problems.

Barnett said the study done as part of the Downtown Plan adoption provides the foundation of the proposed plan. The DKS study points out the area between Hwy 224 and 99E needs an extensive public process. He noted the numerous public and policy maker checkpoints to ensure all issues are addressed.

Mayor Bernard commented he would vote against a the traffic study at this time if it were not for the commitment to the neighborhoods. He realizes there are issues, and action needs to be taken soon.

Councilor Newman agreed promises to the downtown merchants and neighborhoods must be kept. It is important to make sure the plan moves forward and has support.

It was moved by Councilor King and seconded by Mayor Bernard to authorize staff to proceed with the request for proposal (RFP) process to select a consultant to the Downtown Parking and Traffic Management Plan. Motion passed unanimously.

Other

1. **Mayor Bernard** thanked staff for their work on the MIS software project.
2. **Councilor King** announced the Ardenwald Mother's Day Walk on May 12.
3. **Mayor Bernard** announced the Trolley Trail Clean up on April 20.

Mayor Bernard announced the City Council would meet in executive session immediately following adjournment of the regular session to discuss real property pursuant to ORS 192.660.

Adjournment

It was moved by Councilor King and seconded by Councilor Newman to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 7:30 p.m.

Pat DuVal, Recorder